

AMENDED IN SENATE APRIL 20, 2009

SENATE BILL

No. 546

Introduced by Senator Lowenthal

February 27, 2009

An act to add Section 25250.29 to the Health and Safety Code, and to amend Sections *48100, 48620, 48623, 48624, 48631, 48632, 48645, 48650, 48651, 48652, 48653, 48656, 48660, 48660.5, 48661, 48662, and 48673* of, and to add Section 48620.2 to *48670, 48673, 48674, 48690, and 48691* of, to add Sections 48620.2 and 48651.5 to, and to repeal Sections 48633 and 48634 of, the Public Resources Code, relating to oil, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 546, as amended, Lowenthal. Used oil.

~~(1) The California Oil Recycling Enhancement Act requires the California Integrated Waste Management Board to adopt a used oil recycling program that promotes and develops alternatives to the illegal disposal of used oil, and requires the program to include, among other things, a reporting, monitoring, and enforcement program to ensure that all laws relating to used oil are properly carried out. The act defines terms for its purposes, including "used oil hauler" and "used oil recycling facility." The act requires the board to certify or recertify a used oil recycling facility for which the board has received an inspection report, unless the board determines that the facility is engaged in a repeating or recurring pattern of noncompliance that poses a significant threat to public health and safety or the environment. If the board denies certification, it is authorized to subsequently certify a facility if it determines that the facility meets the standards for certification. Existing law requires a used oil recycling facility to report to the board for each~~

quarter the amount of used oil received and the amount of recycled oil produced. A violation of the act is a crime.

~~This bill would revise the certification requirements to also require the board to certify or recertify a used oil recycling facility that is an out-of-state facility and for which the board has received a report from the Department of Toxic Substances Control that the out-of-state facility has demonstrated that the facility substantially meets specified federal requirements related to the management of used oil and recycles used lubricating oil to meet specified purity standards for recycled oil. The bill would require an out-of-state facility, as a condition of demonstrating that compliance, to enter into an agreement with the department to pay the department's full expenses for conducting related review and inspection costs. The bill would require an out-of-state facility that seeks certification to annually certify, in writing to the board and under penalty of perjury, that the facility substantially meets those specified federal requirements, thereby imposing a state-mandated local program by creating a new crime. The bill would revise the quarterly reporting requirement to require a used oil recycling facility issued a specified permit to produce recycled oil and an out-of-state used oil recycling facility that is certified by the board to report to the board for each quarter the amount of used oil received and the amount of recycled oil produced.~~

~~The bill would revise the definitions of “used oil hauler” and “used oil recycling facility” to conform to those changes, and would define “rerefined oil” for purposes of the act.~~

(1) The California Oil Recycling Enhancement Act, administered by the California Integrated Waste Management Board, among other things, defines terms and establishes the used oil recycling program, consisting of a recycling incentive system, grants or loans to local governments and nonprofit entities for specified purposes related to used lubricating oil collection and recycling and stormwater pollution from used oil and oil byproducts, development and implementation of an information and education program to promote alternatives to the illegal disposal of used oil, and a reporting, monitoring, and enforcement program to ensure that laws relating to used oil are properly carried out. A violation of the act is a crime.

This bill would revise the definitions of “used oil hauler” and “used oil recycling facility,” and define the term “rerefined oil,” for purposes of the act, and would revise and recast the used oil recycling program, so that, among other things, it would no longer provide for loans, and

it would provide for the development and implementation of an information and education program to promote methods to reduce the amounts of used oil generated and to promote environmentally preferable uses of recycled oil, including the use of rerefined oil in automotive and industrial lubricants. The bill would revise the purposes for which grants under the program may be made, including to promote the manufacture of rerefined lubricating oil, and would authorize grants additionally to be made to private entities.

(2) The act generally imposes a charge on oil manufacturers, payable to the board, in the amount of \$0.04 for every quart, or \$0.16 for every gallon, of lubricating oil sold or transferred in the state, or imported into the state for use in the state.

This bill would increase those amounts to \$0.06 and \$0.24, respectively, and would require the board, commencing in 2011, to adjust the base rate of the payment annually to reflect increases or decreases in the cost of living during the prior fiscal year.

(3) The act requires the board to pay a recycling incentive to every industrial generator, curbside collection program, and certified used oil collection center, for used lubricating oil if certain conditions apply, and to an electric utility, as defined, for certain used lubricating oil. Existing law requires the board to set the recycling incentive amount at not less than \$0.04 per quart, and authorizes the board to set the amount at a higher amount if the board determines that a higher amount is necessary to promote recycling of used lubricating oil and sufficient funds are available in the California Used Oil Recycling Fund.

This bill would revise the conditions applicable to used lubricating oil that must be met before the board is required to pay the recycling incentive, and would delete the requirement that the board pay the recycling incentive to an electric utility for certain used lubricating oil.

The bill additionally would require the board on and after January 1, 2014, to pay a rerefining incentive to certain recycling facilities that produce rerefined base lubricant meeting specified requirements. The bill would require the board, on or before January 2012, to consider whether to implement additional incentives that prioritize the highest and most beneficial uses of used lubricating oil.

The bill would require the board to increase the recycling incentive to not less than \$0.10 per quart and, on and after January 1, 2014, to set the rerefining incentive at \$0.02 per gallon, and would authorize the board to increase those amounts as specified if it determines that a higher amount is necessary to promote the collection and recycling

of used lubricating oil or the rerefining of used lubricating oil, as applicable, and sufficient funds are available in the California Used Oil Recycling Fund.

(4) The act requires the board to deposit the charges described in (2) above, civil penalties and fines paid pursuant to the act, and all other revenues received pursuant to the act, in the California Used Oil Recycling Fund, part of which is continuously appropriated to the board to pay recycling incentives, to provide a reserve for contingencies, to make specified payments for implementation of certain local used oil collection programs in a total amount equal to \$10,000,000 or one-half the amount remaining in the fund after specified expenditures are made, for certain grants and loans, and for reimbursement for certain disposal costs of contaminated used oil. The act authorizes money in the fund, upon appropriation by the Legislature, among other things, to be transferred to the Farm and Ranch Solid Waste Cleanup and Abatement Account in the General Fund, to pay costs associated with implementing and operating the farm and ranch solid waste cleanup and abatement grant program.

This bill would authorize the continuously appropriated moneys in the fund also to be used for rerefining incentives. The bill would increase the amount available for payments for implementation of local used oil collection programs to \$13,000,000 or one-half the amount remaining in the fund after specified expenditures are made, thereby making an appropriation, and would exempt the application and grant award process for these payments from a public meeting requirement, otherwise applicable to programs under the act. The bill would prohibit money in the California Used Oil Recycling Fund attributable to increasing or adjusting the charge on oil manufacturers described in (2) above from being transferred to the Farm and Ranch Solid Waste Cleanup and Abatement Account.

(5) The act prohibits a used oil collection center from being eligible for the payment of recycling incentives until the board has certified the center and authorizes the board to cancel certification, after a public hearing, upon finding noncompliance with certification requirements. The act requires a center to reapply for certification every 2 years.

This bill instead would require a center to reapply for certification every 4 years and would eliminate the public hearing requirement for cancellation of certification.

(6) Under the act, if the board finds that a shipment of used oil from a certified used oil collection center or a curbside collection program

is contaminated by hazardous material and other specified requirements are met, the board, upon application of the center or program, is required to reimburse the center or program for the additional disposal cost of the used oil, subject to eligibility requirements and payment limitations.

This bill would include uncertified publicly funded used oil collection centers in small rural counties in those entities eligible to receive that reimbursement, and would modify the eligibility requirements and payment limitations.

(7) The act imposes certification requirements for used oil recycling facilities.

This bill would specify certification requirements for out-of-state used oil recycling facilities seeking certification, including requirements to make certain declarations under penalty of perjury. Because this would expand the application of a crime, it would impose a state-mandated local program. The bill would also would impose certification requirements on rerefiners of used oil.

(8) The act imposes reporting requirements on industrial generators of used lubricating oil, used oil collection centers, and curbside collection programs, to be eligible for payment of a recycling incentive.

This bill would revise those reporting requirements.

(9) This bill would make other related changes to the act.

(10) Because a violation of the act is a crime, the bill would impose a state-mandated local program by, among other things, bringing rerefiners of used lubricating oil within the ambit of the act.

(2)

(11) Existing law generally regulates persons who generate, receive, store, transfer, transport, treat, or recycle used oil. A violation of those requirements is a crime.

This bill would generally require used oil to be tested ~~an~~ and analyzed by a laboratory accredited by the State Department of Public Health, to ensure that it meets specified criteria, before a load of used oil is shipped to a transfer facility, recycling facility, or facility located out of the state. The bill would require the testing and analysis to be accomplished by a registered hazardous waste transporter before acceptance at a transfer or recycling facility or shipment out of state, except as otherwise specified. The bill would require the person performing the test to maintain records of the test for at least 3 years and ~~provide that the person is~~ to be subject to audit and verification by the Department of Toxic Substances Control. The bill would require

the registered hazardous waste transporter who is listed as the transporter on the Uniform Hazardous Waste Manifest used to ship used oil out of state to submit a report annually to the department containing information regarding shipment of used oil out of state. *The bill would require the department to inspect transporters annually to verify compliance with these requirements, and to charge the transporter for any costs associated with the inspection.* Because a violation of the used oil requirements would be a crime, the bill would impose a ~~state-mandate~~ *state-mandated* local program.

(3)

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25250.29 is added to the Health and
2 Safety Code, to read:

3 25250.29. (a) Except as provided in paragraph (2) of
4 subdivision (b) and subdivision (g), before a load of used oil is
5 shipped to a transfer facility, recycling facility, or facility located
6 out of the state, the used oil shall be tested and analyzed by a
7 laboratory accredited by the State Department of Public Health
8 pursuant to Article 3 (commencing with Section 100825) of
9 Chapter 4 of Part 1 of Division 101, to ensure that the used oil
10 meets all of the following characteristics:

11 (1) A flashpoint above 100 degrees Fahrenheit.

12 (2) A polychlorinated biphenyls (PCB) concentration of less
13 than 5 ppm.

14 (3) A concentration of total halogens of 1000 ppm or less, unless
15 the presumption in subclause (I) of clause (v) of subparagraph (C)
16 of paragraph (1) of subdivision (a) of Section 25250.1 has been
17 rebutted pursuant to subclause (II) of clause (v) of subparagraph
18 (C) of paragraph (1) of subdivision (a) of Section 25250.1.

19 (b) The testing and analysis required pursuant to subdivision
20 (a) shall be accomplished by a registered hazardous waste

1 transporter prior to acceptance at a transfer facility or recycling
2 facility, or shipment out of the state, except the transporter is not
3 required to perform the testing and analysis if the transporter can
4 do either of the following:

5 (1) (A) Demonstrate that testing and analysis has been performed
6 by the generator of the used oil prior to shipment.

7 (B) Subparagraph (A) does not require the generator of the used
8 oil to perform the testing and analysis required by this section.

9 (2) Provide documentation that the testing will be performed
10 by a transfer facility or a recycling facility issued a permit by the
11 department pursuant to this chapter.

12 (c) (1) A transporter shall not require a used oil collection center
13 to test tanks or containers that contain only used lubricating oil or
14 oil filters accepted from the public as a condition of accepting the
15 oil for shipment.

16 (2) A transporter shall not require a generator to test used oil as
17 a condition of accepting that used oil for shipment.

18 (3) This subdivision does not alter a generator's responsibility
19 to comply with regulations adopted by the department that govern
20 the operation of a generator, *and a transporter shall not be required*
21 *to transport untested used oil.*

22 (d) This section does not affect or limit a testing requirement
23 that the department may impose on a used oil transfer facility or
24 used oil recycling facility as a condition of a permit issued by the
25 department, including, but not limited to, a test required pursuant
26 to a facility's waste analysis plan.

27 (e) The person performing a test required by subdivision (a)
28 shall maintain records of tests performed for used oil for at least
29 three years and is subject to audit and verification by the
30 department.

31 (f) The registered hazardous waste transporter who is listed as
32 the transporter on the Uniform Hazardous Waste Manifest used
33 to ship used oil out of state shall submit a report, on or before
34 March 1 of each year, to the department, containing all of the
35 following information for the preceding year:

36 (1) Total volume of used oil shipped out of state.

37 (2) Date of each shipment of used oil out of state.

38 (3) Uniform Hazardous Waste Manifest tracking number used
39 to ship used oil out of the state.

1 (4) Volume of used oil shipped out of state listed on each
2 manifest.

3 (5) Information pertaining to the out-of-state facility to which
4 the used oil was shipped, including the facility name, facility
5 address, and facility EPA ID number.

6 (6) Signed certification that all used oil shipped out of the state
7 was analyzed and conformed to the requirements of subdivision
8 (a), including identification of the accredited laboratory utilized
9 to test and analyze the used oil shipment.

10 (7) Any other information that the department may require.

11 (g) (1) This section does not apply to a load for shipment that
12 consists exclusively of used lubricating oil accepted by a used oil
13 collection center from the public, including, but not limited to,
14 used lubricating oil accepted by a publicly funded certified or
15 uncertified used oil collection center located in a small rural county.

16 (2) This section does not require a generator to test used oil for
17 dielectric oil derived from highly refined mineral oil used in oil
18 filled electrical equipment. Nothing in this section exempts that
19 oil from any testing requirement required by any other law.

20 (3) This section does not prohibit the transportation of used oil
21 to a facility located outside the state, or impose liability other than
22 compliance with the requirements of this section upon, or in
23 another way affect the liability of, a generator whose used oil is
24 transported to a facility located outside the state.

25 (h) *The department shall inspect transporters annually to verify*
26 *compliance with this section. The department shall charge the*
27 *transporter for any costs, including indirect costs, associated with*
28 *the inspection.*

29 SEC. 2. *Section 48100 of the Public Resources Code is*
30 *amended to read:*

31 48100. (a) The Legislature hereby finds and declares that
32 illegal disposal of solid waste on property owned by innocent
33 parties is a longstanding problem needing attention and that grants
34 provided under this chapter will support the cleanup of farm and
35 ranch property.

36 (b) The board shall establish a farm and ranch solid waste
37 cleanup and abatement grant program for the purposes of cleaning
38 up and abating the effects of illegally disposed solid waste pursuant
39 to this chapter.

(c) (1) The Farm and Ranch Solid Waste Cleanup and Abatement Account is hereby created in the General Fund and may be expended by the board, upon appropriation by the Legislature in the annual Budget Act, for the purposes of this chapter.

(2) The following funds shall be deposited into the account:

(A) Money appropriated by the Legislature from the Integrated Waste Management Fund or the California Used Oil Recycling Fund to the board for the grant program, or from the California Tire Recycling Management Fund to the board for the purposes set forth in *paragraph (10) of subdivision-(j) (b)* of Section 42889.

(B) Notwithstanding Section 16475 of the Government Code, any interest earned on the money in the account.

(3) The board may expend the money in the account for both of the following purposes:

(A) To pay the costs of implementing this chapter, which costs shall not exceed 7 percent of the funds available for the grant program.

(B) To make payments for grants authorized by this chapter.

(4) Upon authorization by the Legislature in the annual Budget Act, the sum of all funds transferred into the account from other funds or accounts shall not exceed one million dollars (\$1,000,000) annually.

~~(5) Notwithstanding~~ *Except as provided in paragraph (2) of subdivision (c) of Section 48653, notwithstanding any other provision of law, the grant program shall be funded from the following funds:*

(A) The Integrated Waste Management Fund.

(B) The California Tire Recycling Management Fund, for the purposes set forth in *paragraph (10) of subdivision-(j) (b)* of Section 42889.

(C) The California Used Oil Recycling Fund.

(d) For purposes of this chapter, the following definitions shall apply:

(1) “Native American tribe” has the same meaning as tribe, as defined in subdivision (b) of Section 44201.

(2) “Public entity” means a city, county, or resource conservation district.

1 ~~SEC. 2.~~

2 ~~SEC. 3.~~ Section 48620.2 is added to the Public Resources Code,
3 to read:

4 48620.2. “Rerefined oil” means a lubricant base stock or oil
5 base that has been derived from used oil and meets all the following
6 criteria:

7 (a) Processed using a series of mechanical or chemical methods,
8 or both, including, but not limited to, vacuum distillation, followed
9 by solvent refining or hydrotreating.

10 (b) Capable of meeting the Physical and Compositional
11 Properties, in addition to the Contaminants and Toxicological
12 Properties, as defined under the American Society for Testing and
13 Materials (ASTM) D6074-99 standard.

14 (c) Processed into a material that has a quality level suitable for
15 use in a finished lubricant.

16 ~~SEC. 3.~~

17 ~~SEC. 4.~~ Section 48623 of the Public Resources Code is
18 amended to read:

19 48623. “Used oil hauler” means a hazardous waste transporter
20 registered pursuant to Chapter 6.5 (commencing with Section
21 25100) of Division 20 of the Health and Safety Code who
22 transports used oil to a used oil recycling facility certified pursuant
23 to Article 7 (commencing with Section 48660), to a used oil storage
24 facility, ~~or to a used oil transfer facility, or to an out-of-state~~
25 ~~recycling facility registered with the board pursuant to subdivision~~
26 ~~(b) of Section 48662.~~

27 ~~SEC. 4.~~

28 ~~SEC. 5.~~ Section 48624 of the Public Resources Code is
29 amended to read:

30 48624. “Used oil recycling ~~facility~~” *facility,*” *for purposes of*
31 *this chapter,* means a facility that produces recycled oil, as defined
32 in Section 25250.1 of the Health and Safety Code, and is eligible
33 for certification pursuant to is certified pursuant to Section 48662.

34 ~~SEC. 6.~~ Section 48631 of the Public Resources Code is
35 amended to read:

36 48631. The used oil recycling program shall include, but is not
37 limited to, *all of* the following:

38 (a) A recycling incentive system as described in Article 6
39 (commencing with Section 48650).

40 (b) Grants ~~or loans~~, as specified in Section 48632.

(c) Development and implementation of an information and education program ~~for the promotion of~~ *to promote* alternatives to the illegal disposal of used oil, *methods to reduce the amounts of used oil generated, and environmentally preferable uses of recycled oil, including the use of rerefined oil in automotive and industrial lubricants.*

(d) A reporting, monitoring, and enforcement program to ensure that all statutes and regulations relating to used oil are properly carried out.

SEC. 7. Section 48632 of the Public Resources Code is amended to read:

48632. The board may issue grants ~~or loans~~ pursuant to subdivision (b) of Section 48631 ~~for only the following purposes:~~

~~(a) To~~ *to* local governments, *nonprofit entities, and private entities*, for providing *collection and recycling* opportunities for used lubricating oil ~~collection and filters, which~~ *that* are in addition to those included in the local used oil collection programs adopted pursuant to Article 10 (commencing with Section 48690). Grants ~~or loans~~ under this ~~subdivision~~ *section* may ~~also~~ be for ~~those purposes identified in subdivision (d).~~, *but are not limited to, any of the following:*

~~(b) To nonprofit entities for projects, which may include one or more of the following programs or activities:~~

~~(1)~~
(a) Establishing used lubricating oil collection ~~centers~~ *infrastructure and sustaining used oil collection opportunities.*

~~(2) Providing containers and other materials and supplies that the public can utilize in an environmentally sound manner to store used lubricating oil for pickup or return to a used oil collection center.~~

~~(3) Obtaining equipment and establishing procedures to comply with federal, state, and local law regarding the collection, handling, and storage of used oil.~~

~~(4) For the purposes identified in subdivision (d).~~

~~(e) For either or both of the following purposes:~~

~~(1)~~
(b) Research, testing, and demonstration projects for collection technologies and ~~to develop uses for products resulting from the recycling of used oil~~ *other new and innovative projects in used oil management.*

1 ~~(2) The purposes identified in subdivision (d).~~

2 ~~(c) Developing uses for products resulting from the recycling~~
3 ~~of used oil.~~

4 ~~(d) (1) For education~~ Education and mitigation projects relating
5 to stormwater pollution from used oil and oil byproducts, including,
6 but not limited to, use of storm drain inlet filter devices.

7 (2) A local government shall not receive a grant ~~or loan~~ pursuant
8 to this section for any purpose identified in paragraph (1) unless
9 the local government certifies that it has a stormwater management
10 program that is approved by the appropriate California regional
11 water quality control board and that the project approved for
12 funding under paragraph (1) is consistent with that approved
13 stormwater management program.

14 ~~(e) Promoting the manufacture of rerefined lubricating oil.~~

15 ~~SEC. 8. Section 48633 of the Public Resources Code is~~
16 ~~repealed.~~

17 ~~48633. The grants to nonprofit organizations and governmental~~
18 ~~entities authorized by subdivisions (a) and (b) of Section 48632~~
19 ~~may include grants to offset operational expenses.~~

20 ~~SEC. 9. Section 48634 of the Public Resources Code is~~
21 ~~repealed.~~

22 ~~48634. In adopting the program required by this article, the~~
23 ~~board shall consider information developed pursuant to the Used~~
24 ~~Oil Collection Demonstration Grant Program Act of 1990 (Chapter~~
25 ~~1.5 (commencing with Section 3475) of Division 3).~~

26 ~~SEC. 10. Section 48645 of the Public Resources Code is~~
27 ~~amended to read:~~

28 ~~48645. Final~~ Except for payments made to local governments
29 pursuant to paragraph (3) of subdivision (a) of Section 48653,
30 final approval of applicant and project eligibility standards, scoring
31 and evaluation processes, and awarding of ~~loans or~~ grants under
32 this chapter shall be made in a public meeting of, and pursuant to
33 a vote of, the board.

34 ~~SEC. 11. Section 48650 of the Public Resources Code is~~
35 ~~amended to read:~~

36 48650. (a) Every oil manufacturer shall pay to the board, on
37 or before the last day of the month following each quarter, an
38 amount equal to ~~four cents (\$0.04)~~ six cents (\$0.06) for every quart,
39 or ~~sixteen cents (\$0.16)~~ twenty-four cents (\$0.24) for every gallon,
40 of lubricating oil sold or transferred in the state, or imported into

1 the state for use in the state in that quarter. For lubricating oil sold
2 by weight, a weight to volume conversion factor of 7.5 pounds per
3 gallon shall be used to determine the fee. *Commencing in 2011,*
4 *the board shall adjust the base rate of the payment annually to*
5 *reflect increases or decreases in the cost of living during the prior*
6 *fiscal year, as measured by the California Consumer Price Index*
7 *issued by the Department of Industrial Relations or a successor*
8 *agency.* Except as provided in subdivision (b), no payment is
9 required for oil ~~which~~ *that* meets any of the following:

10 (1) Oil for which a payment has already been made to the board
11 pursuant to this section.

12 (2) Oil exported or sold for export from the state.

13 (3) Oil sold for use in vessels operated in interstate or foreign
14 commerce.

15 (4) Oil imported into the state in the engine crankcase,
16 transmission, gear box, or differential of an automobile, bus, truck,
17 vessel, plane, train, or heavy equipment or machinery.

18 (5) Bulk oil imported into, transferred in, or sold in the state to
19 a motor carrier, as defined in Section 408 of the Vehicle Code,
20 and used in a vehicle designated in subdivisions (a) and (b) of
21 Section 34500 of the Vehicle Code.

22 (6) The oil otherwise subject to payment pursuant to this
23 subdivision has a volume of five gallons or less.

24 (7) *Oil sold as a finished lubricant containing 60 percent*
25 *rerefined base lubricant.*

26 (b) If oil exempted from payment pursuant to subdivision (a)
27 is subsequently sold or transferred for use, or is used, in this state,
28 and the use does not qualify for exemption pursuant to subdivision
29 (a), the entity ~~which~~ *that* sells, transfers, or uses the oil for a
30 purpose ~~which~~ *that* is not exempt from payment, shall make the
31 payment specified in subdivision (a).

32 ~~(c) This section shall become operative on January 1, 2000.~~

33 *SEC. 12. Section 48651 of the Public Resources Code is*
34 *amended to read:*

35 48651. (a) The board shall pay a recycling incentive *pursuant*
36 *to subdivision (a) of Section 48652* to every industrial generator,
37 curbside collection program, and certified used oil collection center,
38 for used lubricating oil collected from the public; or generated by
39 the ~~certified used oil collection center or the industrial generator,~~

1 and transported by a used oil hauler to the facilities specified in
2 ~~Section 48623~~; if either of the following conditions apply:

3 (1) The used lubricating oil is transported by a used oil hauler
4 to a used oil storage facility or to a used oil transfer facility that
5 complies with subdivision (b), for the purpose of producing
6 recycled oil.

7 (2) The used lubricating oil is transported by a used oil hauler
8 directly to an in-state used oil recycling facility that is certified
9 pursuant to subdivision (a) of Section 48662, or to an out-of-state
10 used oil recycling facility registered with the board pursuant to
11 subdivision (b) of Section 48662, for the purpose of producing
12 recycled oil.

13 ~~(b) The board shall pay a recycling incentive to an electric~~
14 ~~utility, as defined in Section 25108, for used lubricating oil~~
15 ~~generated and used by the electric utility for electrical generation~~
16 ~~if the electric utility's use of the used lubricating oil meets the~~
17 ~~requirements of subparagraph (C) of paragraph (2) of subdivision~~
18 ~~(d) of Section 25143.2 of the Health and Safety Code and the used~~
19 ~~oil is in compliance with the standards for recycled oil established~~
20 ~~in paragraph (3) of subdivision (a) of Section 25250.1 of the Health~~
21 ~~and Safety Code.~~

22 (e)

23 (b) A person or entity that generates used industrial oil or a used
24 oil storage facility or a used oil transfer facility that accepts used
25 oil pursuant to paragraph (1) of subdivision (a) shall cause that
26 oil to be transported by a used oil hauler to a certified used oil
27 recycling facility certified pursuant to subdivision (a) of Section
28 48662 or to an out-of-state used oil recycling facility registered
29 with the Environmental Protection Agency and operating in
30 substantial compliance with applicable regulatory standards of the
31 state in which the recycling facility is located registered with the
32 board pursuant to subdivision (b) of Section 48662.

33 SEC. 13. Section 48651.5 is added to the Public Resources
34 Code, to read:

35 48651.5. (a) The board, with regard to promoting the recycling
36 of used lubricating oil into rerefined oil, shall pay a rerefining
37 incentive pursuant to subdivision (b) of Section 48652 if all of the
38 following conditions are met:

39 (1) The facility is an in-state or out-of-state recycling facility
40 that is certified in accordance with subdivision (c) of Section 48662

1 *and produces rerefined base lubricant meeting the specifications*
2 *of rerefined oil as defined in Section 48620.2.*

3 *(2) The used oil was generated and collected within the state*
4 *and prior to treatment or processing has been tested to meet the*
5 *definition of used oil as specified in paragraph (1) of subdivision*
6 *(a) of Section 25250.1 of the Health and Safety Code.*

7 *(3) The facility submits to the board a completed used oil*
8 *rerefining incentive payment claim in the form and manner that*
9 *the board may prescribe.*

10 *(b) To further promote the safe management of used oil, the*
11 *board, using existing financial resources, shall identify and*
12 *evaluate the most environmentally beneficial uses of used*
13 *lubricating oil. On or before January 2012, the board shall*
14 *consider whether to implement additional incentives pursuant to*
15 *this section that prioritize the highest and most beneficial uses of*
16 *used lubricating oil.*

17 *SEC. 14. Section 48652 of the Public Resources Code is*
18 *amended to read:*

19 *48652. (a) The board shall set the recycling incentive-amount*
20 *at not less than four cents (\$0.04) ten cents (\$0.10) per quart. The*
21 *amount board may be set the amount at an amount higher than*
22 *four cents (\$0.04) ten cents (\$0.10) if the board determines that a*
23 *higher amount is necessary to promote the collection and recycling*
24 *of used lubricating oil and sufficient funds are available in the*
25 *fund. The board shall not change the amount of the recycling*
26 *incentive until at least one year has passed since the amount was*
27 *last set. The board shall continue providing recycling incentives*
28 *to certified used oil collection centers at the previous rate for one*
29 *month after setting the recycling incentive at a different rate. The*
30 *board shall not raise the recycling incentive amount unless it finds*
31 *that the raise will not adversely affect funding required pursuant*
32 *to Sections 48631, 48653, and 48660.5.*

33 *(b) On and after January 1, 2014, the board shall set the*
34 *rerefining incentive at two cents (\$0.02) per gallon. On and after*
35 *January 1, 2015, the board may set the amount at an amount higher*
36 *than two cents (\$0.02) per gallon if the board determines that a*
37 *higher amount is necessary to promote rerefining of used*
38 *lubricating oil and sufficient funds are available in the fund.*

39 *(c) The board shall not change the amount of an incentive paid*
40 *pursuant to this section until at least one year has passed since*

1 *the amount was last set. The amount of an incentive paid by the*
2 *board shall remain at the previous amount for one month after*
3 *setting the incentive at a different amount. The board shall not*
4 *raise the amount of an incentive paid or implement other incentive*
5 *options pursuant to subdivision (b) of Section 48651.5 unless it*
6 *finds that the increase will not adversely affect funding required*
7 *pursuant to Sections 48631, 48653, and 48660.5.*

8 *SEC. 15. Section 48653 of the Public Resources Code is*
9 *amended to read:*

10 48653. The board shall deposit all amounts paid pursuant to
11 Section 48650 by manufacturers, civil penalties,~~or~~ *and* fines paid
12 pursuant to this chapter, and all other revenues received pursuant
13 to this chapter into the California Used Oil Recycling Fund, which
14 is hereby created in the State Treasury. Notwithstanding Section
15 13340 of the Government Code, the money in the fund is to be
16 appropriated solely as follows:

17 (a) Continuously appropriated to the board for expenditure for
18 the following purposes:

19 (1) To pay recycling incentives pursuant to Section 48651.

20 (2) To provide a reserve for contingencies, as may be available
21 after making other payments required by this section, in an amount
22 not to exceed one million dollars (\$1,000,000).

23 (3) To make ~~block grants~~ *payments* for the implementation of
24 local used oil collection programs adopted pursuant to Article 10
25 (commencing with Section 48690) to cities, based on the city's
26 population, and counties, based on the population of the
27 unincorporated area of the county, in a total annual amount equal
28 to ~~ten~~ *thirteen* million dollars (~~\$10,000,000~~) (*\$13,000,000*) or half
29 of the amount ~~which~~ *that* remains in the fund after the expenditures
30 are made pursuant to paragraphs (1) ~~to (3), inclusive,~~ *and* (2) and
31 subdivision (b), whichever amount is greater, multiplied by the
32 fraction equal to the population of cities and counties ~~which~~ *that*
33 are eligible for ~~block grants~~ *payments* pursuant to Section 48690,
34 divided by the population of the state. The board shall use the latest
35 population estimates of the state generated by the Population
36 Research Unit of the Department of Finance in making the
37 calculations required by this paragraph.

38 (4) *To implement Section 48660.5 in an amount not to exceed*
39 *two hundred thousand dollars (\$200,000) annually.*

1 (5) (A) *To implement subdivisions (b) and (c) of Section 48631*
2 *and Section 48632.*

3 (B) *Grants pursuant to subdivision (b) of Section 48631 and*
4 *Section 48632 shall be offered each fiscal year that commences*
5 *in an odd-numbered year.*

6 (C) *The allocation of funds to implement subdivisions (b) and*
7 *(c) of Section 48631 and Section 48632 shall be at the discretion*
8 *of the board to be determined in a public meeting, and pursuant*
9 *to a vote, of the board.*

10 ~~(4)~~

11 (6) For expenditures pursuant to Section 48656.

12 (b) The money in the fund may be expended by the board for
13 the administration of this chapter and by the department for
14 inspections and reports pursuant to Section 48661, only upon
15 appropriation by the Legislature in the annual Budget Act.

16 (c) ~~The~~ (1) *Except as provided in paragraph (2), the money in*
17 *the fund may be transferred to the Farm and Ranch Solid Waste*
18 *Cleanup and Abatement Account in the General Fund, upon*
19 *appropriation by the Legislature in the annual Budget Act, to pay*
20 *the costs associated with implementing and operating the Farm*
21 *and Ranch Solid Waste Cleanup and Abatement Grant Program*
22 *established pursuant to Chapter 2.5 (commencing with Section*
23 *48100).*

24 (2) *The money in the fund attributable to a charge increase or*
25 *adjustment made or authorized by amendment of subdivision (a)*
26 *of Section 48650 by the act adding this paragraph shall not be*
27 *transferred to the Farm and Ranch Solid Waste Cleanup and*
28 *Abatement Account.*

29 ~~(d) Appropriations to the board to pay the costs necessary to~~
30 ~~administer this chapter, including implementation of the reporting,~~
31 ~~monitoring, and enforcement program pursuant to subdivision (d)~~
32 ~~of Section 48631, shall not exceed three million dollars~~
33 ~~(\$3,000,000) annually.~~

34 ~~(e)~~

35 (d) The Legislature hereby finds and declares its intent that the
36 sum of ~~two~~ *three* hundred fifty thousand dollars ~~(\$250,000)~~
37 *(\$350,000)* should be annually appropriated from the California
38 Used Oil Recycling Fund in the annual Budget Act to the board,
39 commencing with fiscal year ~~1996-97~~ *2010-11*, for the purposes
40 of Section 48655 *and to conduct those investigations and*

1 *enforcement actions necessary to implement subdivision (b) of*
2 *Section 48651.*

3 *SEC. 16. Section 48656 of the Public Resources Code is*
4 *amended to read:*

5 48656. After all of the expenditures pursuant to Section 48653
6 have been made, notwithstanding paragraph ~~(4)~~ (6) of subdivision
7 (a) of Section 48653, the balance remaining in the fund shall be
8 available to the board for expenditure solely for the implementation
9 of subdivisions (b) and (c) of Section 48631 and Sections 48632
10 and 48660.5. The board shall not expend more than two hundred
11 thousand dollars (\$200,000) to implement Section 48660.5 and at
12 least 40 percent of the money remaining in the fund shall be
13 expended for the purposes of subdivision (a) of Section 48632, at
14 least 10 percent shall be expended for the purposes of subdivision
15 (b) of Section 48632, at least 20 percent shall be expended for the
16 purposes of subdivision (c) of Section 48631, and at least 10, but
17 not more than 15, percent shall be expended for the purposes of
18 subdivision (c) of Section 48632 for incentives pursuant to Section
19 48651.5.

20 *SEC. 17. Section 48660 of the Public Resources Code is*
21 *amended to read:*

22 48660. (a) No used oil collection center shall be eligible for
23 the payment of recycling incentives until the board has certified
24 that the center is in compliance with the requirements specified in
25 subdivision (b). Before certification, the board may require the
26 center to submit any information that the board determines is
27 necessary to find that the center is in compliance with those
28 requirements. A center shall reapply for certification every ~~two~~
29 *four* years. The board may cancel the certification of a center if
30 the board finds, ~~after a public hearing~~, that the center is not, or has
31 not been, in compliance with subdivision (b). The board may
32 withhold the payment of recycling incentives for used lubricating
33 oil collected by a center if the board finds that the center was not
34 in compliance with subdivision (b) during the time in which the
35 used lubricating oil was collected.

36 (b) To be eligible for certification by the board and for the
37 payment of recycling incentives, the used oil collection center shall
38 do all of the following:

1 (1) (A) Accept used lubricating oil from the public at no charge
2 during the hours between 8 a.m. and 8 p.m. that the entity operating
3 as the center is open for business.

4 (B) The board may approve alternative hours for the acceptance
5 of used lubricating oil by an individual center if either of the
6 following conditions is met:

7 (i) The center accepts used lubricating oil for 12 continuous
8 hours daily.

9 (ii) The center demonstrates that compliance with Section 279.31
10 of Title 40 of the Code of Federal Regulations prevents the center
11 from complying with subparagraph (A).

12 (2) Pay to ~~any a person, upon the person's request,~~ an amount
13 equal to the recycling incentive ~~which that~~ the center will receive
14 for used lubricating oil brought to the center in containers by the
15 person. Nothing in this chapter prohibits ~~any a~~ person from
16 donating used lubricating oil to a center. ~~With the exception of~~
17 ~~centers that generate used lubricating oil by servicing motor~~
18 ~~vehicles, the~~ The recycling incentive may be in the form of a credit
19 that may be applied toward the purchase of goods or services
20 offered by the center, as determined by the board. The credit shall
21 be in the form of a voucher or coupon with a value of at least twice
22 the incentive amount to be paid pursuant to Section 48652 and
23 have no other limits for use, unless prescribed by the board.

24 (3) Provide information to the board for informing the public
25 of the center's acceptance of used lubricating oil.

26 (4) Provide notice to the public, through onsite signs and
27 periodic advertising in local media, of the center's acceptance of
28 used lubricating oil from the public.

29 (A) Onsite signs shall be of a design prescribed by the board
30 and exterior signs shall be posted in a location that is easily visible
31 from a public street.

32 (B) A certified center shall post a combined symbolic and
33 information exterior sign of at least two feet by three feet in size,
34 or shall post an exterior symbolic sign of at least two feet by 18
35 inches in size. If the exterior symbolic sign is posted, the combined
36 symbolic and informational sign shall be concurrently posted so
37 that it is easily readable from the location where the used oil is
38 received from the public. The exterior symbolic sign shall include
39 the following words in a manner specified by the board: "Used
40 Oil Collection Center."

~~(C) The informational portion of the combined signs shall include the following words, in a manner specified by the board: “Used Oil Collection Center—Recycling Incentive Paid for Used Lubricating Oil in Containers During Business Hours from Members of the Public Who Change Their Own Oil.”~~

~~(D)~~

(C) A center that does not accept used lubricating oil from the public during all of its business hours, but meets the requirements of paragraph (1), shall indicate on the exterior sign the hours when that used oil is accepted at no charge from the public and these hours shall be posted instead of the business hours.

~~(E)~~

(D) If local zoning ordinances prevent signs of a size consistent with this paragraph, the exterior symbolic sign shall be of the maximum allowable size.

(c) Notwithstanding subdivision (b), a used oil collection center may refuse to accept used lubricating oil ~~which~~ *that* has been contaminated in a manner other than that which would occur through normal use.

(d) Notwithstanding subdivision (b), ~~no~~ a used oil collection center shall *not* knowingly accept used lubricating oil for which a payment has not been made pursuant to Section 48650.

SEC. 18. Section 48660.5 of the Public Resources Code is amended to read:

48660.5. (a) If the board finds that a shipment of used oil from a certified used oil collection center ~~or~~, a curbside collection program, *or an uncertified publicly funded used oil collection center in a small rural county* is contaminated by hazardous materials in excess of that which generally occurs in normal use, which renders the used oil infeasible for recycling, and requires that the used oil be destroyed at a substantially higher cost than the cost generally to recycle used oil, the board shall, upon application by the used oil collection center or curbside collection program, reimburse the center or program for the additional disposal cost, subject to the eligibility requirements of subdivision (b), except as provided in subdivision (c).

(b) A certified used oil collection center ~~or~~, curbside collection program, *or uncertified publicly funded used oil collection center in a small rural county* is eligible for reimbursement only if it demonstrates to the satisfaction of the board all of the following,

1 *except that paragraph (1) does not apply to a publicly funded used*
2 *oil collection center in a small rural county:*

3 (1) The center or program has established procedures to ensure
4 that the used oil it generates and accepts from the public will not
5 be mixed with other hazardous wastes, especially halogenated *and*
6 *polychlorinated biphenyl-contaminated* wastes. These procedures
7 shall include, but not be limited to, instructing the public and
8 employees that used oil shall not be mixed with other hazardous
9 waste. The board shall not require a center or program to test used
10 oil received from the public as part of these procedures.

11 (2) The shipment contains not more than five gallons or pounds
12 of contaminants combined, based on the contaminant
13 concentrations and the total volume or weight of the shipment.

14 (c) ~~In any~~ a calendar year, a used oil collection center ~~or,~~
15 curbside collection program, *or uncertified publicly funded used*
16 *oil collection center in a small rural county* shall be reimbursed
17 for not more than one shipment and for not more than five thousand
18 dollars (\$5,000) in disposal costs *for halogen-contaminated waste*
19 *or not more than the actual net additional costs of disposing of*
20 *polychlorinated biphenyl-contaminated wastes*, subject to the
21 availability of funds pursuant to Section 48656.

22 SEC. 19. *Section 48661 of the Public Resources Code is*
23 *amended to read:*

24 48661. (a) ~~On and after July 1, 1992, the~~ The department shall
25 annually inspect used oil recycling facilities *located in this state*.

26 (b) Within 135 days following inspection, the department shall
27 submit a report to the board, describing all of the following:

28 (1) Any violations of Chapter 6.5 (commencing with Section
29 25100) of Division 20 of the Health and Safety Code.

30 (2) Any corrective actions ordered or agreed to by the
31 department.

32 (3) Progress by the facility in correcting violations identified in
33 previous inspections.

34 (c) In the report required by subdivision (b), the department
35 shall specifically state whether any of the following occurred:

36 (1) The department has identified violations of subdivision (c)
37 of Section 25250.1 of the Health and Safety Code regarding
38 achievement of minimum standards of purity for recycled oil.

(2) The department has identified violations of regulations requiring financial responsibility assurance for liability, closure, and postclosure obligations.

(3) Where prior contamination has been identified, the facility has an approved corrective action plan and has not been found to be in violation of its requirements.

(4) The department has identified violations that meet the criteria for class 1 violations, as defined in Section 66260.10 of Title 22 of the California Code of Regulations.

~~SEC. 5.~~

SEC. 20. Section 48662 of the Public Resources Code is amended to read:

48662. (a) The board shall certify or recertify a used oil recycling facility ~~that meets either of the following requirements:~~ *located in this state and for which the board has received a report from the department pursuant to Section 48661, unless the board determines that the facility is engaged in a repeating or recurring pattern of noncompliance that poses a significant threat to public health and safety or the environment.*

(b) *The board shall certify or recertify an out-of-state recycling facility that receives used oil from a California generator to which a recycling incentive may be paid if both of the following requirements are met:*

(1) *The out-of-state used oil recycling facility registers with the board and declares, under penalty of perjury, that it is operating in substantial compliance with Part 279 (commencing with Section 279.1) of Title 40 of the Code of Federal Regulations. An out-of-state recycling facility registering with the board pursuant to this subdivision shall, upon request, provide the board or the department with a copy of any inspection report issued for the facility by, or any other enforcement related documents available to, the agency responsible for enforcing Part 279 (commencing with Section 279.1) of Title 40 of the Code of Federal Regulations at the facility.*

(2) *The out-of-state used oil recycling facility declares, under penalty of perjury, to the board that used oil that it receives from a California generator to whom a recycling incentive may be paid is recycled to meet the purity standards for recycled oil, as defined in Section 48620. An out-of-state recycling facility registering with the board pursuant to this subdivision shall, upon request, provide*

1 *the board or the department with a copy of records demonstrating*
2 *that the used oil has been recycled to meet those purity standards.*

3 *(c) The board shall certify or recertify a rerefiner of used oil*
4 *that meets either of the following requirements:*

5 *(1) The used oil recycling facility located in this state is certified*
6 *pursuant to subdivision (a) and produces rerefined base lubricant*
7 *meeting the specifications for rerefined oil as defined in Section*
8 *48620.2.*

9 *(2) The used oil recycling facility is an out-of-state facility*
10 *certified under subdivision (b) that certifies annually in writing,*
11 *under penalty of perjury, to the board that the facility produces*
12 *rerefined base lubricant meeting the specifications for rerefined*
13 *oil, as defined in Section 48620.2. An out of state recycling facility*
14 *registering with the board pursuant to this subdivision shall, upon*
15 *request, provide the board or the department with a copy of records*
16 *demonstrating that the used oil has been recycled to meet the*
17 *specifications for rerefined oil, as defined in Section 48620.2.*

18 *(d) An out-of-state facility certified pursuant to subdivision (b)*
19 *or (c) shall, upon a request by the board, be subject to audit by*
20 *the department to verify the applicable requirements for*
21 *certification.*

22 *(e) Subdivision (d) does not require the department to inspect*
23 *or prohibit the department from inspecting an out-of-state facility*
24 *to determine whether the department is satisfied that the facility*
25 *substantially meets the requirements for certification.*

26 *(f) As a condition of compliance with and audit performed*
27 *pursuant to subdivision (d), an out-of-state facility shall enter into*
28 *an agreement with the department pursuant to Section 25201.9 of*
29 *the Health and Safety Code to pay the department's full expenses*
30 *of conducting the audit, including any inspection costs the*
31 *department may incur in determining whether the facility meets*
32 *the requirements for certification.*

33 *(g) If the board denies certification to a facility subject to*
34 *subdivision (a), (b), or (c), the board may subsequently certify the*
35 *facility if the board determines that the facility meets the standards*
36 *for certification.*

37 ~~*(1) The used oil recycling facility is located in this state and the*~~
38 ~~*board has received a report from the department pursuant to Section*~~
39 ~~*48661, unless the board determines that the facility is engaged in*~~

1 a repeating or recurring pattern of noncompliance that poses a
2 significant threat to public health and safety or the environment.

3 (2) ~~The used oil recycling facility is an out-of-state facility and~~
4 ~~the board receives a report from the department that the out-of-state~~
5 ~~facility has demonstrated to the satisfaction of the department that~~
6 ~~the facility substantially meets the requirements in Part 279~~
7 ~~(commencing with Section 279.1) of Title 40 of the Code of~~
8 ~~Federal Regulations and recycles used lubricating oil to meet the~~
9 ~~purity standards for recycled oil, as specified in subparagraph (B)~~
10 ~~of paragraph (3) of subdivision (a) of Section 25250.1 of the Health~~
11 ~~and Safety Code.~~

12 (b) ~~If the board denies certification to a facility subject to this~~
13 ~~section, the board may subsequently certify the facility if it~~
14 ~~determines that the facility meets the standards for certification.~~

15 (c) ~~An out-of-state facility that seeks certification shall annually~~
16 ~~certify, in writing to the board, under penalty of perjury, that the~~
17 ~~facility substantially meets the requirements in Part 279~~
18 ~~(commencing with Section 279.1) of Title 40 of the Code of~~
19 ~~Federal Regulations.~~

20 (d) ~~Paragraphs (1) and (2) of subdivision (a) do not require the~~
21 ~~department to inspect or prohibit the department from inspecting~~
22 ~~an out-of-state facility to determine whether the department is~~
23 ~~satisfied that the facility substantially meets the requirements in~~
24 ~~Part 279 (commencing with Section 279.1) of Title 40 of the Code~~
25 ~~of Federal Regulations and recycles used lubricating oil to meet~~
26 ~~the purity standards for recycled oil, as specified in subparagraph~~
27 ~~(B) of paragraph (3) of subdivision (a) of Section 25250.1 of the~~
28 ~~Health and Safety Code for recycled oil.~~

29 (e) ~~As a condition of demonstrating compliance pursuant to~~
30 ~~subdivision (a), a facility shall enter into an agreement with the~~
31 ~~department pursuant to Section 25201.9 of the Health and Safety~~
32 ~~Code to pay the department's full expenses for conducting the~~
33 ~~review and any inspection costs the department may incur in~~
34 ~~determining whether the facility substantially meets the~~
35 ~~requirements in Part 279 (commencing with Section 279.1) of Title~~
36 ~~40 of the Code of Federal Regulations and whether the facility~~
37 ~~recycles used oil to meet the purity standards for recycled oil, as~~
38 ~~specified in subparagraph (B) of paragraph (3) of subdivision (a)~~
39 ~~of Section 25250.1 of the Health and Safety Code.~~

SEC. 21. Section 48670 of the Public Resources Code is amended to read:

48670. (a) To be eligible for payment of a recycling incentive, an industrial generator of used lubricating oil, a used oil collection center, or a curbside collection program shall report to the board, for each quarter, ~~the both of the following:~~

(1) ~~The amount of lubricating oil purchased and the amount of used lubricating oil that is transported to a certified used oil recycling facility, or to a used oil storage facility, or to a used oil transfer facility, or that is transported to an out-of-state recycling facility registered with the Environmental Protection Agency and permitted to operate by the applicable regulatory agency of the state in which the facility is located, or that is used to generate electricity pursuant to subdivision (b) of Section 48651. The registered with the board pursuant to subdivision (b) of Section 48662.~~

(2) ~~The amount of used lubricating oil collected from the public, for use in determining the recycling incentive payment, that is transported to a certified used oil recycling facility, to a used oil storage facility, or to a used oil transfer facility, or that is transported to an out-of-state recycling facility registered with the board pursuant to subdivision (b) of Section 48662. However, a certified collection center with service bays located in a small rural county shall be eligible for a recycling incentive based on 60 percent of the total oil recycled by collecting used oil from the public and servicing motor vehicles. If the center documents, in the form prescribed by the board, that the portion that resulted from public collection exceeds 60 percent of the total oil recycled, the center shall be eligible for the incentive payment based on the actual amount of used oil accepted from the public and recycled.~~

(b) (1) ~~The reports shall be submitted on or before the 45th day following each quarter, in the form and manner which that the board may prescribe, and shall include copies of manifests or modified manifest receipts from used oil haulers. The~~

(2) ~~The copies of manifests or modified manifest receipts required by paragraph (1) shall be signed by the generator of the used oil and shall specify the receiving used oil facility.~~

(3) ~~If the used oil was shipped to a facility located out of the state, the report also shall include testing and analysis data provided by the receiving facility documenting compliance with~~

1 *subdivision (a) of Section 25250.29 of the Health and Safety Code*
2 *and that the used oil was recycled to meet the purity standards for*
3 *recycled oil as defined in Section 48620.*

4 (c) The board may delegate to the executive officer of the board
5 the authority to accept reports submitted after the 45th day and to
6 reduce, eliminate, or approve the amount of incentive fee to be
7 paid due to the late submission of the report. The board may
8 provide, by regulation, for a longer reporting period for industrial
9 generators that generate less than 1,000 gallons of used oil
10 annually.

11 ~~SEC. 6.~~

12 SEC. 22. Section 48673 of the Public Resources Code is
13 amended to read:

14 ~~48673. (a) On and after January 1, 2010, a used oil recycling~~
15 ~~facility issued a permit by the department to produce recycled oil,~~
16 ~~as defined in Section 25250.1 of the Health and Safety Code, and~~
17 ~~an out-of-state used oil recycling facility that is certified by the~~
18 ~~board pursuant to Section 48662, shall report to the board for each~~
19 ~~quarter the amount of used oil received and the amount of recycled~~
20 ~~oil produced.~~

21 48673. (a) A used oil recycling facility registered with the
22 board pursuant to Section 48662 shall report to the board for each
23 quarter the amount of California used oil recycled and the resultant
24 amount of recycled oil produced to meet the purity standards for
25 recycled oil, as defined in Section 48620.

26 (b) A facility subject to this section shall provide estimates,
27 where feasible, of the amount that is used lubricating oil and the
28 amount that is used industrial oil.

29 (c) The reports required by this section shall be submitted on
30 or before the last day of the month following each quarter, in the
31 form and manner that the board may prescribe.

32 SEC. 23. Section 48674 of the Public Resources Code is
33 amended to read:

34 48674. After receiving a block grant payments pursuant to
35 paragraph (4) (3) of subdivision (a) of Section 48653, each local
36 government shall submit an annual report to the board, on or
37 before the date in the manner specified by the board, which that
38 includes any amendments to the local used oil collection program
39 adopted pursuant to Section 48690, a description of all measures

1 taken to implement the program, and a description of how the
2 ~~block grant was~~ payments were expended.

3 *SEC. 24. Section 48690 of the Public Resources Code is*
4 *amended to read:*

5 48690. A local government is eligible for a ~~block grant~~ payment
6 pursuant to paragraph (3) of subdivision (a) of Section 48653, if
7 it develops and submits a local used oil collection program to the
8 board pursuant to Section 48691 and files a report pursuant to
9 Section 48674. The board shall make a ~~grant~~ payment to every
10 local government that submits a program and files a report unless
11 the board finds that the program or its implementation does not
12 comply with criteria contained in this article. The board may make
13 a ~~block grant~~ payment to another entity that will implement the
14 program of a local government in lieu of making a ~~block grant~~
15 payment to that local government with the concurrence of that
16 local government. *If a local government does not implement a used*
17 *oil collection program and chooses not to accept the payment*
18 *pursuant to paragraph (3) of subdivision (a) of Section 48653, the*
19 *board may allocate that local government's payment to another*
20 *local government that commits to implementing a used oil*
21 *collection program pursuant to Section 48691 and serving the*
22 *residents of the nonparticipating local government.*

23 *SEC. 25. Section 48691 of the Public Resources Code is*
24 *amended to read:*

25 48691. (a) A local used oil collection program shall provide
26 for used lubricating oil collection by either of the following or a
27 combination of the two:

28 (1) Ensuring that at least one certified used oil collection center
29 is available for every 100,000 residents not served by curbside
30 used oil collection, ~~which~~ that accepts oil from the public at no
31 charge, at least 20 hours each week, on four days each week, of
32 which three hours each week are outside the weekday hours of 8
33 a.m. through 5:30 p.m.

34 (2) Providing used oil curbside collection at least once a month.

35 (b) A local used oil collection program shall include a public
36 education program ~~which shall inform~~ that informs the public of
37 locally available used oil recycling opportunities.

38 (c) A local government may implement its used oil collection
39 program in conjunction with other similar programs in order to
40 improve used oil recycling efficiency.

(d) (1) A local government that has implemented the used oil collection and education elements of subdivisions (a) and (b) may also include, in the local used oil collection program, provisions for the mitigation and the collection of oil and oil byproducts, including other solid waste that may be mixed with oil or oil byproducts from ~~storm water~~ *stormwater* runoff, including devices to capture that ~~storm water~~ *stormwater* runoff, such as the use of storm drain inlet filter devices.

(2) A local government shall not receive a ~~block grant payment~~ pursuant to Section 48690 for the purposes identified pursuant to paragraph (1) unless the local government certifies that it has a ~~storm water~~ *stormwater* management program that is approved by the appropriate California regional water quality control board and that the provisions in the local used oil collection program approved for funding under paragraph (1) are consistent with that approved ~~storm water~~ *stormwater* management program.

~~SEC. 7.~~

SEC. 26. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.